

### REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 26-50 are pending in the application. Claims 26-29, 31, 32, 36, 37, and 43 are amended by the present application. Applicants respectfully submit the claim amendments find support in the claims as originally filed. Thus, no new matter is added.

In the outstanding Office Action, Claims 26, 27, 34-38, 40, 47, and 49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Marinescu et al. (U.S. Patent No. 7,089,333, herein "Marinescu") in view of Kawamata et al. (U.S. Patent Publication No. 2002/0025777, herein "Kawamata"); Claims 28-30 and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Marinescu in view of Kawamata and in view of Mincher et al. (U.S. Patent No. 5,408,506, herein "Mincher"); Claims 31 and 32 were rejected under 35 U.S.C. § 103(a) as unpatentable over Marinescu in view of Kawamata and Stichter (U.S. Patent No. 7,068,746); Claims 33 and 39 were rejected under 35 U.S.C. § 103(a) as unpatentable over Marinescu in view of Kawamata and Juszkiewicz et al. (U.S. Patent No. 6,353,169, herein "Juszkiewicz"); Claims 41, 42, and 48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Marinescu in view of Kawamata and Yamashita et al. (U.S. Patent No. 6,377,979, herein "Yamashita"); Claim 43 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Marinescu in view of Kawamata and Yamashita; Claim 50 was rejected under 35 U.S.C. § 103(a) as unpatentable over Marinescu in view of Kawamata and Yamashita and Katta et al. (U.S. Patent No. 7,133,936, herein "Katta"); and Claims 44 and 46 were indicated as containing allowable subject matter.

Initially, Applicants gratefully acknowledge the indication of allowable subject matter in Claims 44 and 46. Applicants note that Claims 27-29, 31, 32, and 36 have been amended

to depend on Claim 44. Thus, Applicants respectfully request the rejection to Claims 27-29, 31, 32, and 36 be withdrawn.

With regard to the rejection of Claim 26 under 35 U.S.C. § 103(a) as unpatentable over Marinescu in view of Kawamata, Applicants respectfully traverse this rejection.

As an initial matter, Applicants note that Claim 26 has been amended to incorporate the features similar to those of Claims 27, 28, 29, 31, 32, 36, and 37.

Regarding the features incorporated into Claim 26 from Claim 27, the outstanding Office Action on page 3 relies upon Col. 1, lines 53-54 of Marinescu to describe “the method wherein the network is a network in which data packets are transmitted asynchronously or synchronously”. Marinescu describes the transmission of audio data in a network to the reproduction units where the reproduction units need to be synchronized with a clock in a master unit.<sup>1</sup> Marinescu only describes the use of a synchronization clock and does not describe, “transmitting data packets between the at least two reproduction units asynchronously,” as recited in amended Claim 26.

Moreover, this feature of the invention defined by Claims 26 is advantageous in that it goes against conventional thinking regarding an inherent unreliability of an asynchronous network as to concerns of the timing of the packet transmission.

Kawamata does not cure this defect of Marinescu because it does not describe the feature in amended Claim 26 of

aligning the clock on the slaves before reproduction for the first time and updating the clock periodically during the reproduction, the periodic update being performed on the slave for systematically matching the speed of operation of the internal clock in the slave to that of the master in order to compensate for differences in the internal propagation-time characteristics of the master and the slave.

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<sup>1</sup> See Marinescu Col. 8, lines 52-53.

Regarding the features incorporated into Claim 26 from Claim 37, the outstanding Office Action on page 4 relies upon Col. 1, lines 49-64 of Marinescu to describe “individual reproduction units being synchronized in a region of at least one of below 100 ms.” The 100 ms feature of amended Claim 26 is not a design choice. Marinescu’s generic description of “transmit data in perfectly synchronous manner with a very low transmission latency,” as the term “very low transmission latency” is nebulous to a person of ordinary skilled in the art.<sup>2</sup> Moreover, for the listener not to be disturbed by differences in timing of the reproduction of the audio by the reproduction units, it is sufficient to have a synchronization below 100 ms.<sup>3</sup> It is well established that when particular claimed features are disclosed as solving particular problems and providing advantages, as in the present specification, the doctrine of design choice cannot be relied upon as a substitute for a clear and convincing showing of motivation that would logically have led the artisan to have made the proposed modification.<sup>4</sup>

Regarding the features incorporated into Claim 26 from Claim 37, the outstanding Office Action on page 4 relies upon paragraphs [0039] and [0071]-[0074] of Kawamata to describe “the buffering is performed dynamically and so as to be matched to circumstances of the network”. However these paragraphs of Kawamata do not describe that “buffering is performed *dynamically* so as to be matched to the circumstances of the network,” as recited in amended Claim 26. Rather, the only buffering that is described in Kawamata is for a fixed period of time.<sup>5</sup> Fixed buffering is not appropriate in an asynchronous network due to the large variance of transmission time for packets in the asynchronous network.

Regarding the features incorporated into Claim 26 from Claims 28 and 29, the outstanding Office Action on page 6 relies upon Col. 2, lines 23-26 of Mincher to describe “periodically maintaining node synchronization in a network” and “periodic update is used on

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<sup>2</sup> See Marinescu Col. 1, lines 53-54.

<sup>3</sup> See Specification pages 7-8.

<sup>4</sup> See In re Chu, 36 USPQ2d 1089, 1094 (Fed. Cir. 1995).

<sup>5</sup> See Kawamata ¶ 0039.

a slave for systematically matching a speed of operation of the internal clock in the slave to that of the master to compensate for differences in internal propagation-time characteristics of the master and slave.” Mincher describes that a master node periodically sends a special time synchronization message to other nodes within a network. However, Mincher does not describe both periodic node synchronization and a periodic update for systematically matching a speed of the slave to the master. This feature is advantageous in an asynchronous network where delays can be significant. Moreover, Mincher is not concerned with problems of audio reproduction by several slaves.

Regarding the features incorporated into Claim 26 from Claims 31 and 32, the outstanding Office Action on page 8 relies upon Col. 3, lines 41-48 of Stichter to describe “computation of propagation delay and adjustment of clock accordingly in their invention.” Stichter describes a slave component that uses a computed average delay at the time offset and describes that there could be additional processing delays but does not describe how to compensate for these delays.<sup>6</sup> In contrast, amended Claim 26 recites, in part, “the slave being brought into line with the clock in the master on the basis of a mean propagation time, calculated as a mean taking into account handling times in the units, for data packets between master and slave.”

In view of the above-noted distinctions, Applicants respectfully submit that Claim 26 (and any claims dependent therefrom) patentably distinguish over Marinescu, Kawamata, Mincher, and Stichter taken alone or in proper combination.

With respect to the further cited references, Applicants respectfully submit that the further cited Juszkiewicz, Yamashita, and Katta references are not believed to overcome the above-noted deficiencies of Marinescu, Kawamata, Mincher, and Stichter.

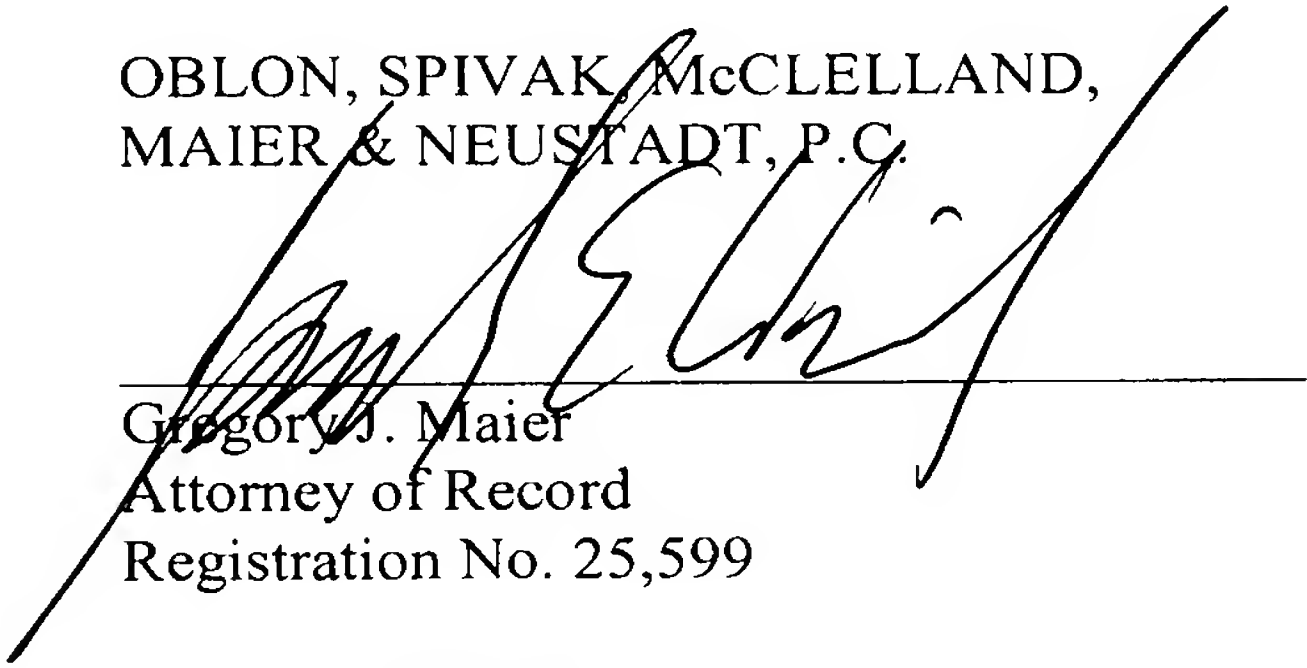
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<sup>6</sup> See Stichter Col. 3, lines 41-46.

Consequently, in light of the above discussion the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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